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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,711	07/12/2001	Kunihiko Fukui	0505-841P	1542

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EXAMINER

GOINS, DAVETTA WOODS

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 03/28/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/902,711

Applicant(s)

FUKUI, KUNIIHIKO

Examiner

Davetta W. Goins

Art Unit

2632

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: \_\_\_\_\_.
3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

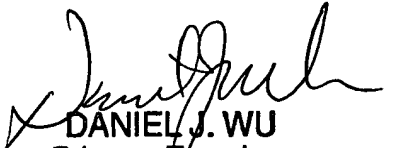
Claim(s) rejected: 1-18.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 5. does NOT place the application in condition for allowance because: The Applicant argues that Mc Donald et al. does not disclose the claimed "operation time integrator means" as stated in claim 1. Although the claim states "integrated" and Mc Donald does not specifically disclose the word "integrated" when referring to the operation determining means, he clearly shows this feature. Mc Donald discloses calculation of remaining oil life updated over a "predetermined interval", which may be measured in terms of "time" or "elapsed revolutions", during each engine operation, a counter accumulates the number of engine over a predetermined interval (col. 4, lines 42-49 and col. 5, lines 39-46). While determining the elapsed time, one skilled in the art would readily recognize that integration of the time is done by the by the microprocessor 26. Mc Donald clearly states that the calculation of oil temperature, oil contamination and engine revolutions used to determine the remaining oil life is carried out during the time that the engine is in operation (col. 4, lines 42-49). There isn't anything stated within the claim nor in the specification as to how the "operation time integrator" is different from Mc Donald's operation timing means.

As for claim 10, Mc Donald et al. teaches a microprocessor 16 that is used in calculating the remaining oil life which is updated over a "predetermined interval" which may be measured either in terms of time or in terms of elapsed engine revolutions (col. 3, lines 51-67 and col. 4, lines 41-49). A counter is used to accumulate the number of engine revolutions over a predetermined interval (col. 5, lines 39-46). Once the counter has counter has determined the number of revolutions (in terms of time), a signal is then sent (generating a time of operation signal) to the indicator (col. 4, lines 40-67 and col. 5, 1-46). Therefore, the claimed "operational timer determining the time of operation of an engine of a vehicle and for generation a time of operation signal" is met by Mc Donald et al.

  
DANIEL J. WU  
Primary Examiner  
3/27/03